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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,582	08/29/2001	Tsuguo Nanjo	WEN-007	5007

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EXAMINER	
BLACKMAN, ROCHELLE ANN J	
ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,582	NANJYO, TSUGUO	
	Examiner	Art Unit	
	Rochelle Blackman	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 10 and 12 are objected to because of the following informalities: The claims recite the limitation "the program" in line 2 of the claims. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohtsuka, U.S. Patent No. 6,404,985.

Regarding claims 1-8, 13, and 15, Ohtsuka discloses a "fundus camera"(see FIGS. 1-11) comprising: an "observation optical system having an objective lens and a photographing element for photographing a fundus of an eye to be examined via the objective lens, the fundus being illuminated with illumination light for observation"(see 8 of FIG. 1); a "monitor on which an image of the photographed fundus is displayed"(see 29 of FIG. 1); a "fixation-target presenting optical system for presenting a fixation target to the eye via the objective lens so that the presented fixation target guides a line of vision of the eye"(see 10 of FIG. 1); a "fixation-target moving unit by which a position to present the fixation target is moved"(see 33, 33a, 37, and 41-43 of FIGS. 1 and 7); a "first display-control unit by which an indicator to indicate a presented position of the fixation target on the fundus is displayed optically or electrically on the fundus image displayed on the monitor"(see 33' of FIG. 6(a)); and a "second display-control unit by which a guide target is displayed graphically in a predetermined position on the fundus image displayed on the monitors the fixation target guiding the line of vision to a predetermined position by movement of the fixation target performed so that a display position of the indicator is moved to a display position of the guide target"(see 40a-d of FIG. 6(b)); "wherein the second display-control unit displays the guide target graphically in a plurality of predetermined positions on the fundus image displayed on the monitor"(see location of "guide target" 40a-d in FIG. 6(b)); "wherein the second display-control unit varies a display form of the guide target in accordance with a predetermined sequence, the guide target being displayed in the predetermined positions; further comprising a sensor which detects that the indicator has been moved to each

predetermined position, wherein the second display-control unit varies a display form of the guide target based on a result detected by the sensor; wherein the second display-control unit varies a display form of the guide target in response to input of a trigger signal for photographing or a photographing-completion signal; a mode-selecting unit which determines whether the guide target should be displayed on the monitor or not; wherein the second display-control unit has a memory in which plural guide targets of different patterns are stored and displays a selected guide target in the predetermined positions;(see col. 8, lines 21-39); "wherein the fixation-target presenting optical system has a point light source"(see 37 of FIG. 1), and the "fixation-target moving unit includes a light-source moving unit which moves the point light source"(see 33, 33a, 37, and 41-43 of FIGS. 1 and 7); "wherein the fixation-target presenting optical system comprises a liquid crystal display with a light source behind"(see 29 of FIG. 1), and "the fixation-target moving unit includes a screen-control unit which moves a position of a light-transmitting portion on the liquid crystal display"(also see col. 8, lines 21-39); "wherein the fixation- target moving unit moves the fixation target in a two-dimensional plane orthogonal to an optical axis of the objective lens"(see direction of arrow underneath element 33 in FIG.1).

Regarding claims 9-12, 14, and 16, Ohtsuka discloses a "fundus camera"(see FIGS. 1-11) comprising: an "observation optical system having an objective lens and a photographing element for photographing a fundus of an eye to be examined via the objective lens, the fundus being illuminated with illumination light for observation"(see 8 of FIG. 1); a "monitor on which an image of the photographed fundus is displayed"(see

29 of FIG. 1); a "fixation-target presenting optical system for presenting a fixation target to the eye via the objective lens so that the presented fixation target guides a line of vision of the eye"(see 10 of FIG. 1); a "fixation-target moving unit by which a position to present the fixation target is moved"(see 33, 33a, 37, and 41-43 of FIGS. 1 and 7); a "first display-control unit by which an indicator to indicate the- a presented position of the fixation target on the fundus is displayed optically or electrically on the fundus image displayed on the monitor"(see 33' of FIG. 6(a)), and a "second display-control unit having a program by which a guide target is displayed graphically in a plurality of predetermined positions on the fundus image displayed on the monitor, and a display form of the guide target is varied based on a sequence of photographing of plural parts of the fundus, the fixation target guiding the line of vision to predetermined positions by movement of the fixation target performed so that a display position of the indicator is moved to display positions of the guide target"(see 40a-d of FIG. 6(b)); "wherein the program varies the display form of the guide target in accordance with a predetermined sequence of photographing of the plural parts; further comprising a "sensor which detects that the indicator has been moved to each predetermined position, and wherein the program varies the display form of the guide target based on a result detected by the sensor; wherein the program varies the display form of the guide target in response to input of a trigger signal for photographing or a photographing-completion signal of each of the plural parts; wherein the second display-control unit has a memory in which plural guide targets of different patterns are stored and displays a selected guide target in the predetermined position"(see col. 8, lines 21-39); "wherein the fixation- target

moving unit moves the fixation target in a two-dimensional plane orthogonal to an optical axis of the objective lens"(see direction of arrow underneath element 33 in FIG.1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (571) 272-2851. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB

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